

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STACIA STINER, et al.,

Plaintiffs,

v.

BROOKDALE SENIOR LIVING, INC., et
al.,

Defendants.

Case No. [17-cv-03962-HSG](#)

**ORDER GRANTING IN PART AND
DENYING IN PART THE OMNIBUS
MOTION TO SEAL**

Re: Dkt. No. 925

Pending before the Court is an omnibus administrative motion to seal materials associated with the parties' dispositive motions, responses, and replies. Dkt. No. 925 ("Mot."). For the reasons detailed below, the Court grants in part and denies in part the motion.

I. LEGAL STANDARD

Courts generally apply a "compelling reasons" standard when considering motions to seal documents. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006)). "This standard derives from the common law right 'to inspect and copy public records and documents, including judicial records and documents.'" *Id.* (quoting *Kamakana*, 447 F.3d at 1178). "[A] strong presumption in favor of access is the starting point." *Kamakana*, 447 F.3d at 1178 (quotations omitted). To overcome this strong presumption, the party seeking to seal a judicial record attached to a dispositive motion must "articulate compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure, such as the public interest in understanding the judicial process" and "significant public events." *Id.* at 1178–79 (quotations omitted). "In general, 'compelling reasons' sufficient to outweigh the public's interest in disclosure and justify sealing court records exist when such 'court files might have become a

vehicle for improper purposes,’ such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets.” *Id.* at 1179 (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598 (1978)). “The mere fact that the production of records may lead to a litigant’s embarrassment, incrimination, or exposure to further litigation will not, without more, compel the court to seal its records.” *Id.*

The Court must “balance[] the competing interests of the public and the party who seeks to keep certain judicial records secret. After considering these interests, if the court decides to seal certain judicial records, it must base its decision on a compelling reason and articulate the factual basis for its ruling, without relying on hypothesis or conjecture.” *Id.* Civil Local Rule 79-5 supplements the compelling reasons standard set forth in *Kamakana*: the party seeking to file a document or portions of it under seal “must explore all reasonable alternatives to filing documents under seal, minimize the number of documents filed under seal, and avoid wherever possible sealing entire documents” Civil L.R. 79-5(a). The party must further explain the interests that warrant sealing, the injury that will result if sealing is declined, and why a less restrictive alternative to sealing is not sufficient. *See* Civil L.R. 79-5(c).

Records attached to nondispositive motions must meet the lower “good cause” standard of Rule 26(c) of the Federal Rules of Civil Procedure, as such records “are often unrelated, or only tangentially related, to the underlying cause of action.” *See Kamakana*, 447 F.3d at 1179–80 (quotations omitted). This requires a “particularized showing” that “specific prejudice or harm will result” if the information is disclosed. *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir. 2002); *see also* Fed. R. Civ. P. 26(c). “Broad allegations of harm, unsubstantiated by specific examples of articulated reasoning” will not suffice. *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992) (quotation omitted).

II. DISCUSSION

Because the documents that the parties seek to seal are attached to dispositive motions, the Court applies the compelling reasons standard.¹ Defendants Brookdale Senior Living, Inc.

¹ The parties agree that the Court should apply the compelling reasons standard here. *See* Mot. at 7.

1 and Brookdale Senior Living Communities, Inc. (collectively, “Brookdale”) seek to seal
2 documents on the basis that they contain (1) personally identifying information (“PII”), or (2)
3 “private, confidential, and/or proprietary business information.” Mot. at 9. Plaintiffs ask the court
4 to seal several documents that contain PII. *Id.* at 14.

5 **A. Personally Identifying Information**

6 The parties largely agree that all information designated as PII should be sealed. Here, that
7 information includes contact addresses, e-mail addresses, phone numbers, driver’s license
8 numbers, and insurance policy numbers. Courts in this District routinely find compelling reasons
9 to seal PII that has minimal relevance to the underlying causes of action. *See Snapkeys, Ltd. v.*
10 *Google LLC*, No. 19-CV-02658-LHK, 2021 WL 1951250, at *3 (N.D. Cal. May 14, 2021) (“This
11 Court has found compelling reasons to seal personally identifiable information.”); *Am.*
12 *Automobile Ass’n of N. Cal., Nev., & Utah*, 2019 WL 1206748, at *2 (N.D. Cal. Mar. 14, 2019)
13 (finding compelling reasons to seal personally identifiable information, “including names,
14 addresses, phone numbers, and email addresses”); *Benedict v. Hewlett-Packard Co.*, 2014 WL
15 233827, at *3 (N.D. Cal. Jan. 21, 2014) (granting motion to seal personal information, including a
16 home address, phone number, and email address). The Court concurs here and accordingly grants
17 the omnibus motion to seal as to all personally identifying information. The exact docket and
18 exhibit numbers containing this PII are reflected in the table at the end of this Order.

19 **B. Private, Confidential, and/or Proprietary Business Information**

20 Brookdale seeks to redact portions of certain exhibits that, it contends, contain
21 confidential, non-public proprietary business information. This information includes, among other
22 things, (1) materials associated with Brookdale’s Service Alignment platform, (2) various
23 Brookdale policies, procedures, practices, and manuals, (3) job descriptions for positions at
24 Brookdale facilities, and (4) corrective action plans for Brookdale employees. Brookdale argues
25 that allowing its competitors to obtain this information would cause competitive injury to
26 Brookdale and its affiliated entities. Plaintiffs oppose sealing many of these documents, stating
27 that Brookdale’s requests are “not narrowly tailored” and lack particularized support. Mot. at 16.

28 In general, courts in this District redact commercially sensitive and confidential business

information that satisfies the compelling reasons standard and outweighs the public’s interest in viewing the information. *See Baird v. BlackRock Institutional Tr., N.A.*, 403 F. Supp. 3d 765, 792 (N.D. Cal. 2019) (“[C]onfidential business information in the form of license agreements, financial terms, details of confidential licensing negotiations, and business strategies satisfies the compelling reasons standard.”); *Finisar Corp. v. Nistica, Inc.*, No. 13-cv-03345-BLF (JSC), 2015 WL 3988132, at *5 (N.D. Cal. June 30, 2015) (sealing “confidential product and business information which is not intended for public disclosure”). Here, the Court grants in part and denies in part Brookdale’s request to seal allegedly confidential or proprietary business information.

The Court finds that the confidential employee and commercially sensitive business information that Brookdale proposes to redact satisfies the compelling reasons standard and outweighs the public’s interest in viewing the information. *See Hyams v. CVS Health Corp.*, No. 18-CV-06278-HSG, 2023 WL 2960009, at *2 (N.D. Cal. Mar. 15, 2023) (court may order sealing under the compelling reasons standard of confidential and proprietary business information when public disclosure of such information “could result in improper use by business competitors”). The Court therefore grants Brookdale’s request as to the documents or exhibits containing strategic analysis, corrective action plans for Brookdale employees, internal financial benchmarks and studies, information regarding Brookdale’s capital expenditure process and financing, and training or instructional materials purchased from third-party companies for internal use. The Court finds that the job descriptions of various positions at Brookdale facilities, which were presumably made public when Brookdale was hiring, are not confidential and do not contain sensitive information. Accordingly, the Court denies Brookdale’s request to seal these job descriptions. *See Shopify Inc. v. Express Mobile, Inc.*, No. 20-MC-80091-JSC, 2020 WL 4732334, at *9 (N.D. Cal. Aug. 14, 2020) (declining to seal job descriptions because summaries of job responsibilities “do not reveal confidential information”).

The Court’s findings are reflected in the table at the end of this Order.

III. CONCLUSION

The Court **GRANTS IN PART AND DENIES IN PART** the joint omnibus

administrative motion to file under seal. Dkt. No. 925. Pursuant to Civil Local Rule 79-5(g)(1), documents filed under seal as to which the administrative motion is granted will remain under seal. The Court **DIRECTS** the parties to meet and confer and file public versions and revised redactions as needed of documents for which the proposed sealing has been denied within seven days of this order. This order **TERMINATES** Dkt. No. 864, the pending administrative motion to seal.

Current Docket No. Public / Sealed	Prior Docket No. Public / Sealed	Portion(s) Sought To Be Sealed	Ruling (basis)
925-2 / 925-3	N/A / 857-2	Deposition Exhibit 3 (designated personally-identifying information ("PII") only)	GRANTED
925-2 / 925-3	N/A / 857-11	Page BKD1178434 (designated PII only)	GRANTED
925-2 / 925-3	N/A / 857-12	Page BKD2205992 (designated PII only)	GRANTED
925-2 / 925-3	N/A / 857-13	Pages BKD1919543 (designated PII only) and BKD3032984-85	GRANTED
925-2 / 925-3	N/A / 857-14	Pages BKD2179318, BKD2179324, and BKD2887079 (designated PII only)	GRANTED
925-2 / 925-3	N/A / 857-15	Pages BKD1867469 and BKD2062571 (designated PII only)	GRANTED
925-2 / 925-3	N/A / 857-24	Deposition Exhibit 3 (designated PII only)	GRANTED
925-2 / 925-3	N/A / 858-4	Pages 1:6, 1:18, 1:27, 2:1, 6:8-15, 6:18-19, 6:26-27, 7:7, 7:12, 7:15-17, 7:25-26, 8:6-11, 8:14, 8:16, 8:19-21, 8:27, 9:1-10, 11:5-9, 11:13-17, 11:21-27, 12:1-22, 12:27, 13:1-28, 14:5-26, 15:2, 15:7-9, 18:18, 19:16, 19:18-19, 19:22, 19:25, 20:17-18, 23:3, 23:6, 23:10, 27:16, 27:18, 27:20-21, 28:1, 28:4-6, 28:9-24, 29:1-6, 29:9, 30:8, 30:24, 31:18-21, 32:1-24, 33:1-35:25, and 36:23 (designated PBI only)	GRANTED
925-2 / 925-3	N/A / 858-5	Pages 2-3, 9-17, and 29-30 (designated PBI only)	GRANTED
925-2 / 925-3	N/A / 859-1	Full Document	GRANTED
925-4 / 925-5	N/A / 859-2	Pages BKD3055169-81	GRANTED
925-4 / 925-5	N/A / 859-3	Pages BKD3070805-06 (designated PII only)	GRANTED
925-4 / 925-5	N/A / 859-5	Pages BKD3068793-95 (designated PII & PBI only)	GRANTED
925-4 / 925-5	N/A / 859-6	Page BKD3098996 (designated PII only)	GRANTED
925-4 / 925-5	N/A / 859-7	Pages BKD3098982-83 (designated PII only)	GRANTED
925-4 / 925-5	N/A / 859-8	Pages BKD3098962-64 (designated PII & PBI only)	GRANTED

Current Docket No. Public / Sealed	Prior Docket No. Public / Sealed	Portion(s) Sought To Be Sealed	Ruling (basis)
925-4 / 925-5	N/A / 859-9	Pages BKD3099227-29 (designated PII only)	GRANTED
925-4 / 925-5	N/A / 859-10	Page BKD3099147 (designated PII only)	GRANTED
925-4 / 925-5	N/A / 859-11	Pages BKD3098882-87 (designated PII only)	GRANTED
925-4 / 925-5	N/A / 859-12	Pages BKD3099019 (designated PII and PBI only), BKD3099021-31, and BKD3099033-34	GRANTED
925- 6 / 925-7	N/A / 859-13	Pages BKD3096013 (designated PII only), BKD3096042-45, BKD3096105-08, BKD3096110-13, BKD3096117-20, and BKD3096128-33	GRANTED
925-6 / 925-7	N/A / 859-14	Full Document	GRANTED
925-4 / 925-5	N/A / 859-16	Pages BKD3099618-19 (designated PII only)	GRANTED
925-6 / 925-7	859-17 / N/A	Full Document	GRANTED
925-6 / 925-7	N/A / 859-18	Full Document	GRANTED
925-6 / 925-7	N/A / 859-19	Full Document	GRANTED
925-6 / 925-7	N/A / 859	Page 4:4-8 (designated PBI only)	GRANTED
925-6 / 925-7	N/A / 860	Pages 27-29, 31-33, 36-37, 39-40, and 48-50 (designated PBI only)	GRANTED
925-6 / 925-7	N/A / 860-1	Page 11 (designated PBI only)	GRANTED
925-6 / 925-7	N/A / 860-6	Pages 15-17, 19, 29-31, 36, and 41 (designated PBI only)	GRANTED
925-8 / 925-9	N/A / 886-1	Pages 71:4, 71:6, and 73:14 and Deposition Exhibit 3 (designated PII only)	GRANTED
925-8 / 925-9	N/A / 906	Exhibit A pages 2-3, 9-17, and 29-30 (designated PBI only)	GRANTED
925-8 / 925-9	N/A / 906-1	Exhibit A pages 1:6, 1:18, 1:27, 2:1, 6:8-15, 6:18-19, 6:26-27, 7:7, 7:12, 7:15-17, 7:25-26, 8:6-11, 8:14, 8:16, 8:19-21, 8:27, 9:1-10, 11:5-9, 11:13-17, 11:21-27, 12:1-22, 12:27, 13:1-28, 14:5-26, 15:2, 15:7-9, 18:18, 19:16, 19:18-19, 19:22, 19:25, 20:17-18, 23:3, 23:6, 23:10, 27:16, 27:18, 27:20-21, 28:1, 28:4-6, 28:9-24, 29:1-6, 29:9, 30:8, 30:24, 31:18-21, 32:1-24, 33:1-35:25, and 36:23 (designated PBI only)	GRANTED
925-8 / 925-9	856-2 / 855-3	Pages 46:4, 46:6-7, 46:9, and 46:11-12 (designated PII only)	GRANTED
925-8 / 925-9	856-2 / 855-3	Pages 78:24-25, 79:1, 96:16-17, 98:13-19, 98:21-23, 100:19-21, 239:5-8, 241:17-22, 263:9-10, and 263:15-16 (designated PBI only)	GRANTED
925-8 / 925-9	856-2 / 855-3	Full Document	GRANTED
925-8 / 925-9	856-2 / 855-3	Page 11 (designated PBI only)	GRANTED
925-8 / 925-9	856-2 / 855-3	Full Document	GRANTED

Current Docket No. Public / Sealed	Prior Docket No. Public / Sealed	Portion(s) Sought To Be Sealed	Ruling (basis)
925-8 / 925-9	856-2 / 855-3	Pages BKD0002901-05	GRANTED
925-8 / 925-9	856-2 / 855-3	Pages BKD2837452-57	GRANTED
925-10 / 925-11	856-2 / 855-3	Pages BKD3037040-47	GRANTED
N/A / 926-1	856-2-3 / 855-3-4	Redacted driver's license numbers, contact addresses, phone numbers, and email addresses (pp. BKD0934655, BKD0934658).	GRANTED
N/A / 926-1	856-2-3 / 855-3-4	Redacted driver's license numbers, contact addresses, phone numbers, and email addresses (pp. BKD0027008).	GRANTED
N/A / 926-1	856-2-3 / 855-3-4	Redacted driver's license numbers, contact addresses, phone numbers, and email addresses (pp. BKD1565778, BKD1565781).	GRANTED
N/A / 926-1	856-2-3 / 855-3-4	Redacted driver's license numbers, contact addresses, phone numbers, and email addresses (pp. BKD0026734, BKD0026737).	GRANTED
N/A / 926-1	856-2-3 / 855-3-4	Redacted driver's license numbers, contact addresses, phone numbers, and email addresses (pp. BKD0026850, BKD0026853).	GRANTED
N/A / 926-1	856-2-3 / 855-3-4	Redacted driver's license numbers, contact addresses, phone numbers, and email addresses (pp. BKD1910976, BKD1910979).	GRANTED
N/A / 926-1	856-2-3 / 855-3-4	Redacted driver's license numbers, contact addresses, phone numbers, and email addresses (pp. BKD2453013, BKD2453016).	GRANTED
N/A / 926-1	856-2-3 / 855-3-4	Redacted driver's license numbers, contact addresses, phone numbers, and email addresses (pp. BKD2348303, BKD2348306).	GRANTED
925-10 / 925-11	856-4 / 855-5	Full Document	GRANTED
925-10 / 925-11	856-4 / 855-5	Page BKD2012994 (designated PII only)	GRANTED

Current Docket No. Public / Sealed	Prior Docket No. Public / Sealed	Portion(s) Sought To Be Sealed	Ruling (basis)
925-10 / 925-11	856-4 / 855-5	Pages BKD2789306-08 (designated PII only)	GRANTED
925-10 / 925-11	856-4 / 855-5	Page BKD1725654 (designated PII only)	GRANTED
925-10 / 925-11	856-4 / 855-5	Pages BKD2807300-03 (designated PII only)	GRANTED
925-10 / 925-11	856-4 / 855-5	Pages BKD2309503-05 (designated PII & PBI only)	GRANTED
925-10 / 925-11	856-4 / 855-5	Pages BKD2594483-84 (designated PII only)	GRANTED
925-10 / 925-11	856-4 / 855-5	Full Document	GRANTED
925-12 / 925-13	856-4 / 855-5	Full Document	GRANTED
925-12 / 925-13	856-4 / 855-5	Full Document	GRANTED
925-12 / 925-13	856-4 / 855-5	Full Document	GRANTED
925-12 / 925-13	856-4 / 855-5	Pages BKD0166957-58 (designated PII only)	GRANTED
925-12 / 925-13	856-4 / 855-5	Pages BKD0307428-30 (designated PII only)	GRANTED
925-10 / 925-11	856-4 / 855-5	Page BKD0313256 (designated PII only)	GRANTED
925-12 / 925-13	856-4 / 855-5	Full Document	GRANTED
925-12 / 925-13	856-4 / 855-5	Full Document	GRANTED
925-12 / 925-13	856-4 / 855-5	Full Document	GRANTED
925-12 / 925-13	856-4 / 855-5	Full Document	GRANTED
925-12 / 925-13	856-4 / 855-5	Full Document	GRANTED
925-14 / 925-15	856-4 / 855-5	Full Document	GRANTED
925-14 / 925-15	856-5 / 855-6	Exhibit A pages 27-29, 31-33, 36-37, 39-40, and 48-50 (designated PBI only)	GRANTED
925-14 / 925-15	884-2 / 883-3	Pages 252:2-12, 252:14-15, 252:22-23, 253:1-9, and 253:12-19 (designated PBI only)	GRANTED

Current Docket No. Public / Sealed	Prior Docket No. Public / Sealed	Portion(s) Sought To Be Sealed	Ruling (basis)
925-14 / 925-15	884-2 / 883-3	Page 96:12-23 (designated PBI only)	GRANTED
925-14 / 925-15	884-2 / 883-3	Pages 76:21-22, 76:24-25, 77:1-6, 77:9-20, 77:22, 77:24-25, 81:19-21, 81:23-25, 82:1-2, and 82:4-18 (designated PII only)	GRANTED
925-14 / 925-15	884-2 / 883-3	Pages 35:8-10, 35:12-18, 35:21-25, 36:1, 36:3-7, and 36:20-21 (designated PII only)	GRANTED
925-14 / 925-15	884-2 / 883-3	Pages 85:1-3 and 85:5-20 (designated PII only)	GRANTED
925-14 / 925-15	884-2 / 883-3	Full Document	DENIED (non-confidential job description)
925-14 / 925-15	884-2 / 883-3	Full Document	DENIED (non-confidential job description)
925-14 / 925-15	884-2 / 883-3	Full Document	DENIED (non-confidential job description)
925-16 / 925-17	884-2 / 883-3	Full Document	DENIED (non-confidential job description)
925-16 / 925-17	884-2 / 883-3	Full Document	DENIED (non-confidential job description)
925-16 / 925-17	884-2 / 883-3	Full Document	DENIED (non-confidential job description)
925-16 / 925-17	884-2 / 883-3	Full Document	DENIED (non-confidential job description)
925-16 / 925-17	884-2 / 883-3	Full Document	DENIED (non-confidential job description)

Current Docket No. Public / Sealed	Prior Docket No. Public / Sealed	Portion(s) Sought To Be Sealed	Ruling (basis)
925-16 / 925-17	884-2 / 883-3	Full Document	DENIED (non-confidential job description)
925-16 / 925-17	884-2 / 883-3	Full Document	DENIED (non-confidential job description)
925-16 / 925-17	884-2 / 883-3	Full Document	DENIED (non-confidential job description)
925-16 / 925-17	884-2 / 883-3	Full Document	DENIED (non-confidential job description)
925-16 / 925-17	884-2 / 883-3	Full Document	DENIED (non-confidential job description)
925-16 / 925-17	884-2 / 883-3	Pages BKD2948159 and BKD2948313 (designated PII and PBI only)	GRANTED
925-16 / 925-17	884-3 / 883-4	Redacted contact addresses, phone numbers, and insurance policy numbers (pp. BKD2948154, BKD2948157).	GRANTED
925-18 / 925-19	884-3 / 883-4	Pages BKD2940002, BKD2940134-46, and BKD2940207 (designated PII and PBI only)	GRANTED
925-18 / 925-19	884-3 / 883-4	Redacted contact addresses, phone numbers, and insurance policy numbers (pp. BKD2939998, BKD2940000).	GRANTED
925-18 / 925-19	884-3 / 883-4	Pages BKD2940217, BKD2940315, BKD2940318, BKD2940320, and BKD2940323-24 (designated PII and PBI only)	GRANTED
925-18 / 925-19	884-3 / 883-4	Redacted contact addresses, phone numbers, and insurance policy numbers (pp. BKD2949213, BKD2949215).	GRANTED
925-18 / 925-19	884-3 / 883-4	Pages BKD2940614, BKD2940690-98, and BKD2940707 (designated PII and PBI only)	GRANTED


Current Docket No. Public / Sealed	Prior Docket No. Public / Sealed	Portion(s) Sought To Be Sealed	Ruling (basis)
925-18 / 925-19	884-3 / 883-4	Redacted contact addresses, phone numbers, and insurance policy numbers (pp. BKD2940610, BKD2940612).	GRANTED
925-20 / 925-21	884-3 / 883-4	Page BKD2949526 (designated PII and PBI only)	GRANTED
925-20 / 925-21	884-3 / 883-4	Redacted contact addresses, phone numbers, and insurance policy numbers (pp. BKD2949522, BKD2949524).	GRANTED
925-22 / 925-23	884-3 / 883-4	Page BKD2959230 (designated PII and PBI only)	GRANTED
925-22 / 925-23	884-3 / 883-4	Redacted contact addresses, phone numbers, and insurance policy numbers (pp. BKD2959226, BKD2959228).	GRANTED
925-22 / 925-23	884-3 / 883-4	Pages BKD2940722-23, BKD2940965-76, and BKD2941554 (designated PII and PBI only)	GRANTED
925-22 / 925-23	884-3 / 883-4	Redacted contact addresses, phone numbers, and insurance policy numbers (pp. BKD2949717, BKD2949720).	GRANTED
925-22 / 925-23	884-4 / 883-5	Page BKD1867469 (designated PII only)	GRANTED
925-22 / 925-23	884-4 / 883-5	Page BKD3034597 (designated PII only)	GRANTED
925-24 / 925-25	884-4 / 883-5	Full Document	GRANTED
925-26 / 925-27	884-4 / 883-5	Pages BKD1828962-64 (designated PII only)	GRANTED
925-28 / 925-29	884-4 / 883-5	Pages BKD2897990-96 (designated PII only)	GRANTED
925-28 / 925-29	884-4 / 883-5	Page BKD2897856 (designated PII only)	GRANTED
925-28 / 925-29	884-4 / 883-5	Pages BKD1769150-52 and BKD1769154 (designated PII only)	GRANTED
925-28 / 925-29	884-4 / 883-5	Page BKD2599766 (designated PII only)	GRANTED
925-28 / 925-29	884-7 / 883-6	Exhibit A pages 15-17, 19, 29-31, 36, and 41	GRANTED
925-28 / 925-29	902-1 / 901-3	Pages 166:3-5, 166:13-15, 166:21-25, 167:11-15, 192:22-193:1, and 220:1-4 (designated PBI only)	GRANTED

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IT IS SO ORDERED.

Dated: September 15, 2025


HAYWOOD S. GILLIAM, JR.
United States District Judge